

PATENT APPLICATION
Attorney Docket No. 8514-110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ned HOFFMAN; David Ferrin PARE, Jr.; Jonathan Alexander LEE

Serial No.: 10/619,990

Examiner: AZARIAN, Seyed H.

Filed: July 14, 2003

Group Art Unit: 2625

Title: TOKENLESS ELECTRONIC TRANSACTION SYSTEM

Confirmation No. 8771

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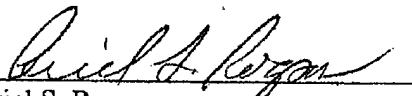
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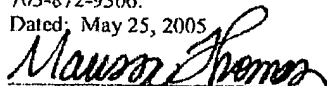
Further to the Response to Office Action filed January 17, 2005, enclosed for filing in the above case are the following:

- ☒ Terminal Disclaimer
☒ PTO Form 2038 authorizing credit card payment for the above-listed fees.
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Respectfully submitted,

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Dated: May 25, 2005

Marissa Thomas

PATENT APPLICATION
Attorney's Do. No. 8514-110

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In re application of:
NED HOFFMAN; DAVID FERRIN PARE, JR. and
JONATHAN ALEXANDER LEE

U.S. Serial No. 10/619,990

Examiner: Seyed H. Azarian

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A "PRIOR" PATENT

I, Duncan Hatch, Secretary of Indivos Corporation, having a place of business at One Market Plaza, Spear Tower, Suite 700, San Francisco, California 94105, assignee of the entire right, title and interest of the above-described U.S. patent application no. 10/619,990, filed July 14, 2003 for TOKENLESS ELECTRONIC TRANSACTION SYSTEM, by assignment recorded in grandparent application Serial No. 09/183,215, filed October 30, 1998, now U.S. Pat. No. 6,366,682, in Reel/Frame 011623/0378 (5) pages on March 5, 2001 from the inventors to Smarttouch, Inc. which subsequently changed its name to Veristar Corporation, said name change recorded in Reel/Frame 012010/0454 (22 pages) on July 24, 2001, which subsequently changed its name to Indivos Corporation, said name change recorded in Reel/Frame 012263/0077 (4 pages) on October 15, 2001, represent that I am authorized to sign on behalf of assignee.

I hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,662,166 as the term of said prior patent as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attached is the fee prescribed under 37 CFR 1.20(d).

INDIVOS CORPORATION,
a Delaware corporation

Dated: 12.23.04

By 
Duncan Hatch, Secretary